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COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion and
Protection of Human Rights
Working Group on Contemporary
Forms of Slavery
Twenty-sixth session
11-15 June 2001

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General pursuant to paragraph 13 of resolution 1988/31 of the Sub-Commission

1. Election of officers

1. Rule 23 of the rules of procedure of the functional commissions of the Economic and Social Council provides that unless the Commission decides otherwise, its subsidiary organs shall elect their own officers.

2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Working Group on Contemporary Forms of Slavery is contained in document E/CN.4/Sub.2/AC.2/2001/1.

3. The programme of work of the Working Group for the period 1988-1999 included the following themes discussed in successive years: prevention of the sale of children, of the prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991); an overall evaluation of its activities during the fourteenth, fifteenth and sixteenth sessions, as well as the consideration of any crucial, serious or urgent matters. The Working Group also decided to work by themes and to seek

solutions and strategies, giving particular attention to the following items included in the agenda: training of law enforcement officials and police, economic development programmes, information campaigns, education programmes for children in danger, new forms of legislation, rehabilitation measures and the protection of working children (1992-1994). It decided to consider the issues of illegal adoptions, domestic workers and in particular girl children (1995); the World Congress Against Commercial Sexual Exploitation of Children; migrant workers, in particular women and girl domestic workers (1996), paedophilia and illegal activities of certain religious and other sects; corruption and international debt as promoting factors of contemporary forms of slavery (1997-1998); trafficking in persons, in particular women and children (1999); and the issue of bonded labour and debt bondage (2000). The Working Group agreed that special attention should be devoted to domestic and migrant workers at each session.

4. At its twenty-fourth session (1999), the Working Group decided to devote its twenty-sixth session (2001) to the issue of trafficking in persons. Consequently, and in line with the practice adopted at its previous sessions, the Working Group decided to reorganize its provisional agenda slightly in order to reflect this priority. Therefore, the item on trafficking in persons became the third item on the agenda.

3. Suppression of the traffic in persons and the exploitation of the prostitution of others

5. Relevant Sub-Commission resolutions regarding this issue are 6 B (XXXI) of 13 September 1978; 1987/31; 1988/31; 1990/30; 1991/115 and 1992/3.

6. Relevant Economic and Social Council resolutions relating to this item are 1980/4; 1981/40; 1982/20; 1983/30; 1989/74; 1990/46; 1991/35; 1992/10; 1993/48.

7. In its resolution 1991/37, the Sub-Commission endorsed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others, drawn up by the Working Group on Contemporary Forms of Slavery at its sixteenth session (E/CN.4/Sub.2/1991/41, annex I).

8. The Commission on Human Rights, in its resolution 1992/36, endorsed the views expressed by the Sub-Commission on the need to launch concerted action to combat the traffic in persons and the exploitation of the prostitution of others and decided to transmit the draft programme of action to Governments, specialized agencies and intergovernmental and non-governmental organizations for their comments.

9. Upon the request of the Commission, the Secretary-General submitted reports (E/CN.4/1993/58 and Add.1 and E/CN.4/1994/71 and Add.1) containing summaries of the comments received to the Commission at its forty-ninth and fiftieth sessions. No action was taken by the Commission at those sessions with regard to the draft programme of action and the comments contained in the above-mentioned reports.

10. In its resolution 1994/5, the Sub-Commission recommended that the Commission on Human Rights take into consideration at its fifty-first session and eventually adopt the draft programme of action. The Commission, in its resolution 1995/27, requested the

Sub-Commission at its forty-seventh session to review the draft programme of action in the light of comments already received or to be received and to submit to the Commission at its fifty-second session a final draft for approval.

11. In its resolutions 1995/25, 1996/24, 1997/19, 1999/40, 2000/44 and 2001/48, the Commission drew the attention of the Working Group to the problem of the traffic in women and girl children.

12. At its twentieth session, and in accordance with paragraph 13 of Commission resolution 1995/27, the Working Group reviewed the draft programme of action for the prevention of traffic in persons and the exploitation of the prostitution of others in the light of comments received.

13. In its resolution 1995/16, the Sub-Commission transmitted to the Commission the revised draft programme of action for adoption. In its resolution 1996/61, the Commission on Human Rights approved the draft programme of action as contained in document E/CN.4/Sub.2/1995/28/Add.1, while noting differences between States in the scope of applicability of their criminal legislation with regard to, inter alia, prostitution and the production, distribution and possession of pornographic material.

14. In its resolutions 1996/12, 1997/22, 1998/19 and 1999/17, the Sub-Commission requested the Secretary-General to invite all States to report periodically on measures adopted to implement the Programme of Action and the effectiveness of such measures. No replies were received.

15. In its resolutions 1999/40 and 2000/44, the Commission requested the Secretary-General to provide the Commission, at its fifty-sixth and fifty-seventh sessions, with a report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. In accordance with that request, the Commission had before it documents E/CN.4/2000/66 and E/CN.4/2001/72 and Corr.1, respectively.

16. In its resolution 2001/48, the Commission requested the Secretary-General to provide the Commission, at its fifty-eighth session, with an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls.

17. The Working Group devoted its twenty-fourth session (1999) to the question of trafficking in women and girls. An NGO seminar was held prior to the session which submitted recommendations to the Working Group. The Working Group decided to devote priority attention again to the issue of trafficking in persons at its twenty-sixth session (2001).

4. Review of the implementation of and follow-up to the conventions on slavery

(a) Status of the conventions

18. The Commission on Human Rights, in its resolution 1994/25, and the Sub-Commission, in its resolution 1993/5, requested the Secretary-General to invite States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave

Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries, as provided for under the conventions and in Economic and Social Council decision 16 (LVI) of 17 May 1974.

19. Information relating to the status of the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery and of the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others is contained in two notes by the Secretary-General (E/CN.4/Sub.2/AC.2/2001/2 and E/CN.4/Sub.2/AC.2/2001/3, respectively).

(b) Review of information received regarding the implementation of the conventions and programmes of action

(i) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

20. The Commission on Human Rights, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and decided to examine the question of the implementation of the Programme of Action by all States every two years. To that end, the Commission requested the Sub-Commission to submit to it a report on the status of implementation of the Programme of Action. The Sub-Commission, in its resolutions 1992/2, 1994/5, 1996/12 and 1998/19, requested the Secretary-General to invite all States to inform the Sub-Commission of the measures adopted to implement the Programme of Action. Information submitted by States regarding the implementation of the Programme of Action was made available to the Sub-Commission at its forty-fifth session (E/CN.4/Sub.2/1993/31 and Add.1), at its forty-seventh session (E/CN.4/Sub.2/1995/29 and Add.1), at its forty-ninth session (E/CN.4/Sub.2/1997/11) and at its fifty-first session (E/CN.4/Sub.2/1999/15) and to the Commission at its fiftieth, fifty-second, fifty-fourth and fifty-sixth sessions.

21. In its resolution 2000/19, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography; the Stockholm Declaration on Commercial Exploitation of Children and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other related developments, and report thereon to the Sub-Commission at its fifty-third session and to the Commission at its fifty-eighth session (para. 80). At its present session, the Working Group will have before it the report of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/2001/4).

(ii) Programme of Action for the Elimination of the Exploitation of Child Labour

22. The Commission on Human Rights adopted the Programme of Action for the Elimination of the Exploitation of Child Labour in the annex to its resolution 1993/79 and recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels. Furthermore, the Commission requested the Sub-Commission to submit every two years a progress report on the implementation of the Programme of Action by all States.

23. In its resolutions 1993/5, 1995/16, 1997/22 and 1999/17, the Sub-Commission requested the Secretary-General to report to the Sub-Commission at its forty-sixth, forty-eighth, fiftieth and fifty-second sessions and to the Commission at its fifty-first, fifty-third, fifty-fifth and fifty-seventh sessions on the implementation by States of the Programme of Action. The reports of the Secretary-General containing information regarding the status of implementation of the Programme of Action (E/CN.4/Sub.2/1994/34, E/CN.4/Sub.2/1996/25, E/CN.4/Sub.2/1998/12 and E/CN.4/Sub.2/2000/22) were submitted to the Sub-Commission and the Commission.

5. Review of developments in the field of contemporary forms of slavery and measures to prevent and repress all contemporary forms of slavery, including the consideration of corruption and international debt as promoting factors of contemporary forms of slavery

24. All information received by the Secretary-General relating to the various questions to be considered under item 5 of the provisional agenda will be available in document E/CN.4/Sub.2/AC.2/2001/4.

25. At its twenty-second session, the Working Group decided to review its agenda and to categorize the types of exploitation. It also decided to pay particular attention, when considering the items on its provisional agenda, to the question of corruption as a factor encouraging exploitation. In that regard, in its resolution 1998/19, the Sub-Commission urged States to examine and analyse the causes and the consequences of corruption and to take steps to eradicate the root causes. Furthermore, the Working Group decided to examine the question of international debt as another factor promoting exploitation.

(a) Economic exploitation

(i) Domestic and migrant workers

26. The Commission on Human Rights, in its resolutions 1989/35, 1990/63, 1991/58, 1992/47, 1993/27, 1994/25, 1995/27, 1996/61, 1997/20 and 1999/46, invited all Member States to consider the possibility of taking appropriate action for the protection of particularly vulnerable groups such as children and migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve those objectives.

27. Reference is made to General Assembly resolutions 49/175, 53/137, 54/158 and 55/88 and Commission on Human Rights resolutions 1995/21, 1999/45, 2000/49 and 2001/53, entitled "International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families". In its resolutions 1994/5, 1995/16, 1996/12, 1997/22, 1998/10, 1999/17 and 2000/19, the Sub-Commission urged States to ratify the Convention, which was adopted by the General Assembly in its resolution 45/148.

28. In its resolutions 2000/48 and 2001/52, entitled "Human rights and migrants", the Commission encouraged Member States that had not yet done so to enact domestic legislation to combat international trafficking and smuggling of migrants, which should take into account, in particular, trafficking and smuggling that endangers the lives of migrants or entails different forms of servitude or exploitation, such as any form of debt bondage, slavery and sexual or labour exploitation, and to strengthen international cooperation to combat such trafficking and smuggling.

(ii) Bonded labour and debt bondage

29. Sub-Commission resolutions relevant to bonded labour are 6 B (XXXI) of 13 September 1978; 8 (XXXIII) of 10 September 1980; 1982/15; 1985/25; 1988/31 and 1990/30.

30. In its decision 1993/112, the Commission authorized the Sub-Commission to consider the possibility of appointing a special rapporteur to update the study of Mr. Abdelwahab Bouhdiba on the exploitation of child labour (United Nations publication, Sales No. E.82.XIV.2) and to extend that study to the problem of debt bondage. The Sub-Commission, in its resolution 1993/5, decided to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur for that purpose. Moreover, the Sub-Commission decided to keep the question of debt bondage under consideration to assess the progress achieved, with a view to the elimination of that intolerable practice.

31. For further action taken on this subject by the Sub-Commission and by the Commission on Human Rights, see the section on child labour below.

(iii) Child labour

32. In its resolution 7 B (XXXII) of 5 September 1979, the Sub-Commission decided to review the question of the exploitation of child labour annually. Upon the recommendation of the Sub-Commission, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Bouhdiba as Special Rapporteur with the preparation of a report on the exploitation of child labour. The Council endorsed that recommendation in its decision 1980/125.

33. The Sub-Commission, in its resolutions 1990/30, 1991/34 and 1992/2, requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Bouhdiba's study and to extend that study to the problem of debt bondage. The Commission on Human Rights gave its authorization in decision 1993/112, endorsed by the Economic and Social Council in resolution 1993/48.

34. The Sub-Commission, in its resolution 1993/5, taking into account the above-mentioned decision of the Commission, decided to appoint Mrs. Warzazi as Special Rapporteur to update the study. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend new studies and related efforts, including the appointment of a special rapporteur on child labour.

35. The Sub-Commission, in its resolution 1994/5, recommended that the Commission on Human Rights at its fifty-first session endorse the appointment of Mrs. Warzazi as Special Rapporteur on the exploitation of child labour and debt bondage. In its resolution 1995/27, the Commission on Human Rights requested the Sub-Commission to give further consideration to the proposed appointment and to make the appointment subject to the submission of a preparatory document.

36. In its resolution 1996/12, the Sub-Commission decided to study further the possible appointment of a special rapporteur on the exploitation of child labour and debt bondage, having due regard to the importance of a study on child labour.

37. The Commission, in its resolutions 1997/20 and 1999/80, and the Sub-Commission, in its resolutions 1997/22 and 1999/17, called upon States that had not yet done so to consider ratifying the pertinent international instruments, including the Forced Labour Convention, 1930 (No. 29) and the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization. In its resolution 1999/17, the Sub-Commission invited States to ratify in a timely manner the new Convention (No. 182) on the Worst Forms of Child Labour of the International Labour Organization.

38. The Sub-Commission, in its resolution 1998/19, 1999/17 and 2000/19 drew the attention of the international community to the gender aspect of child labour.

39. In its resolution 2000/19, the Sub-Commission invited Member States to provide information to the Working Group at its twenty-seventh session, in 2002, about measures taken to suppress or prevent debt bondage. (para. 20)

(iv) Forced labour

40. At each of its sessions, the Working Group has reaffirmed that forced labour is a contemporary form of slavery, expressed its concern at allegations that this practice has not yet been eliminated, and decided to continue to give consideration to this item at its next session.

(b) Sexual exploitation

41. In its resolutions 1998/19, 1999/17 and 2000/19, the Sub-Commission recommended that Governments, as a matter of priority, review, amend and enforce existing laws, or enact new laws to prevent the misuse of the Internet for trafficking, prostitution and the sexual exploitation of women and children.

(i) Sexual exploitation of children and activities of the Special Rapporteur on the sale of children, child prostitution and child pornography

42. Upon the recommendation of the Sub-Commission (resolution 1989/42), the Commission on Human Rights, in its resolution 1990/68, decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Commission requested the Special Rapporteur to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as his conclusions and recommendations.

43. In its resolution 1991/53, the Commission on Human Rights welcomed the preliminary assessment by the Special Rapporteur of his tasks as contained in his report to the Commission on Human Rights at its forty-seventh session (E/CN.4/1991/51).

44. In its resolution 1991/54, the Commission requested the Special Rapporteur, on the basis of his experience, to consider the possibility of submitting his comments and suggestions to the Working Group on Contemporary Forms of Slavery, if possible by attending its meetings. The Sub-Commission, in its resolution 1991/34, requested the Special Rapporteur to pay increased attention to aspects relating to trafficking in children, especially trafficking with a view to organ transplantation, disappearances, the purchase and sale of children, child prostitution and participation by children in armed conflicts. This request was repeated in Sub-Commission resolution 1992/2. The Sub-Commission decided to transmit to the Special Rapporteur the information supplied to the Working Group on the above-mentioned subjects.

45. In its resolutions 1992/76, 1993/82 and 1994/92, the Commission on Human Rights welcomed the reports of the Special Rapporteur on the sale of children (E/CN.4/1992/55 and Add.1, E/CN.4/1993/67 and Add.1 and E/CN.4/1994/84 and Add.1) and endorsed his conclusions and recommendations concerning the strengthening of preventive strategies to tackle the root causes of the sale of children, child prostitution and child pornography.

46. In its resolution 48/156, the General Assembly expressed its support for the work of the Special Rapporteur of examining all over the world the question of the sale of children, child prostitution and child pornography and invited him to continue providing attention to the economic, social, legal and cultural factors affecting those phenomena. The Assembly requested the Special Rapporteur to submit to it a provisional report at its forty-ninth session. In accordance with that request, the Special Rapporteur submitted his provisional report (A/49/478). In its resolution 49/210, the General Assembly welcomed the provisional report and requested the Special Rapporteur to submit another provisional report at its fiftieth session.

47. In its resolution 1995/79, the Commission on Human Rights, having considered the report of the Special Rapporteur submitted to the General Assembly at its forty-ninth session, decided to renew the mandate of the newly appointed Special Rapporteur (Mrs. Ofelia Calcetas-Santos, Philippines) for a further three years and invited her, inter alia, to cooperate closely with the Working Group on Contemporary Forms of Slavery.

48. In its resolutions 50/153, 51/77, 52/101, 53/128, 54/149 and 55/79, the General Assembly welcomed the reports submitted by the Special Rapporteur at its fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth and fifty-fifth sessions, respectively (A/50/456, A/51/456, A/52/482, A/53/311, A/54/411 and A/55/297).

49. In its resolutions 1996/85, 1997/78, 1998/76, 1999/80, 2000/85 and 2001/75, the Commission on Human Rights welcomed the reports submitted by the Special Rapporteur at its fifty-second, fifty-third, fifty-fourth, fifty-fifth, fifty-sixth and fifty-seventh sessions, respectively (E/CN.4/1996/100, E/CN.4/1997/95 and Add.1 and 2, E/CN.4/1998/101 and Add.1 and 2, E/CN.4/1999/71 and Add.1, E/CN.4/2000/73 and Add.1-3, E/CN.4/2001/78 and Add.1 and 2). In the course of her mandate, the Rapporteur undertook visits to the Czech Republic and the United States of America in 1996; Kenya and Mexico in 1997; Belgium and the Netherlands in 1998; Guatemala and Fiji in 1999; and Morocco and the Russian Federation in 2000. In resolution 2001/75 the Commission also decided to renew the mandate of the Special Rapporteur for a further three years.

6. Activities of the Special Rapporteur on violence against women

50. In its resolution 1994/45, the Commission on Human Rights decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently, Ms. Radhika Coomaraswamy (Sri Lanka) was appointed Special Rapporteur.

51. The Special Rapporteur submitted her preliminary report to the Commission at its fifty-first session (E/CN.4/1995/42). In accordance with Commission resolution 1995/85, she submitted her first report (E/CN.4/1996/53 and Add.2) to the Commission. Ms. Coomaraswamy undertook a visit to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery during wartime (E/CN.4/1996/53/Add.1).

52. In its resolutions 1997/44, 1998/52, 1999/42 and 2000/45, the Commission welcomed the reports submitted by the Special Rapporteur (E/CN.4/1997/47 and Add.1-4; E/CN.4/1998/54 and Add.1, E/CN.4/1999/68 and Add.1-4 and E/CN.4/2000/68 and Add.1-5). In the course of her mandate, the Special Rapporteur undertook country visits to Poland, Brazil and South Africa in 1996-1997; Rwanda in 1997; the United States of America, Liechtenstein, Indonesia and East Timor in 1998; and Cuba, Haiti, Afghanistan and Pakistan in 1999-2000.

53. In its resolution 2001/49, the Commission took note with appreciation of the report of the Special Rapporteur (E/CN.4/2001/73/Add.1 and 2). The Special Rapporteur undertook country visits to Bangladesh, Nepal and India.

7. Other forms of exploitation

(a) Illegal activities of certain religious and other sects

54. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its subsequent sessions, the Working Group decided to continue to give consideration to this item at its next session.

(b) Illegal and pseudo-legal adoptions aimed at the exploitation of children

55. At its twentieth session, the Working Group decided to include this item in the provisional agenda for its twenty-first session. At its subsequent sessions, the Working Group decided to continue to give consideration to this issue at its next session.

56. In its resolutions 1996/12, 1997/22 and 1999/17, the Sub-Commission urged States to take adequate steps to regulate and monitor intercountry adoptions better, in particular by ratifying the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

(c) Traffic in human organs and tissues

57. In its resolution 1987/32, the Sub-Commission drew the attention of the Commission on Human Rights to the recommendation of the Working Group on Contemporary Forms of Slavery that the report of the Secretary-General on the sale of children (E/CN.4/Sub.2/1987/28) be given a deeper and broader accent, including matters relating to organ transplant and the foetus trade.

58. These matters were briefly referred to in two further reports on the sale of children prepared by the Secretary-General (E/CN.4/1988/30, paras. 31 and 34; E/CN.4/Sub.2/1989/38, paras. 30, 31 and 34). More substantial study of the issue was undertaken by the Special Rapporteur of the Commission on Human Rights, Mr. V. Muntarbhorn, in his reports on the sale of children (E/CN.4/1991/51, paras. 23-25; E/CN.4/1992/55, paras. 102-108 and 311; E/CN.4/1992/55/Add.1, paras. 28, 29 and 44 (b); E/CN.4/1993/67, paras. 100-127; E/CN.4/1994/84 and Add.1, paras. 100-113 and paras. 44-46 and A/49/478, paras. 84-98). The issue was also referred to by the Special Rapporteur on the sale of children, child prostitution and child pornography, Mrs. Ofelia Calcetas-Santos, in reports she submitted to the General Assembly (A/50/456, paras. 49-50) and to the Commission on Human Rights (E/CN.4/1996/100, paras. 41-48).

59. The Sub-Commission, at its forty-fourth session, requested the Secretary-General, in its resolution 1992/2, to invite all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, and all relevant non-governmental organizations, in particular the International Criminal Police Organization, to pursue their investigations of allegations involving the removal of organs from children and to indicate the measures taken, if any, to counteract that practice wherever it existed, with a view to presenting a report to the Working Group at its

eighteenth session. This request was repeated in Sub-Commission resolutions 1993/5 and 1994/5 and the Secretary-General submitted reports to the Working Group at its nineteenth and twentieth sessions (E/CN.4/Sub.2/AC.2/1994/8 and E/CN.4/Sub.2/AC.2/1995 6, respectively).

60. The Sub-Commission repeated its request in resolution 1995/16. Consequently, the Secretary-General submitted a report (E/CN.4/Sub.2/AC.2/1996/4) to the Working Group at its twenty-first session. In the same resolution, the Sub-Commission recommended that the Commission designate an expert to investigate and prepare a study on allegations regarding the removal of organs and tissues of children and adults for commercial purposes.

61. In its resolution 1996/61, the Commission on Human Rights requested the Secretary-General to examine the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes. In accordance with that resolution, a note by the Secretary-General was submitted to the Commission at its fifty-third session (E/CN.4/1997/78).

62. In its resolution 1997/20, the Commission on Human Rights requested the Secretary-General to continue the examination of the reliability of allegations regarding the removal of organs and tissues of children and adults for commercial purposes and to include, in an updated report, an analysis of this question, to be submitted at its fifty-fifth session. In its resolution 1997/22, the Sub-Commission welcomed Commission resolution 1997/20.

63. In its resolution 1999/46, the Commission on Human Rights noted that the Secretary-General had not yet received any information about the reliability of allegations regarding the removal of organs and tissues of children and adults and, in order to enable the Commission to examine this question, it again requested the Secretary-General to seek information among relevant specialized agencies, working closely in particular with the Advisory Committee on Health Research of the World Health Organization and the International Criminal Police Organization, and to include an analysis of the information received in an updated report to be submitted to the Commission at its fifty-sixth session. In accordance with that resolution, a note by the Secretary-General, noting the absence of information, was submitted to the Commission at its fifty-sixth session (E/CN.4/2000/78).

(d) Paedophilia

64. At its twenty-second session, the Working Group decided to include this item on the provisional agenda for its twenty-third session. At its subsequent sessions, the Working Group decided to continue consideration of this item.

(e) Miscellaneous

Early marriages

65. At its nineteenth, twentieth and twenty-first sessions, the Working Group took note of information provided on the issue of early marriages. At its twenty-second session, the Working Group decided to biennialize the consideration of this item.

Detained juveniles

66. In its resolutions 1999/80 and 2000/85, the Commission reaffirmed the need to ensure that every child alleged to have or recognized as having infringed the penal law was treated with dignity in accordance with the principles and relevant provisions of the Convention on the Rights of the Child and other relevant international human rights instruments, including the International Covenant on Civil and Political Rights, expressed deep concern, inter alia, about cases of children prosecuted without taking into account their special needs, kept in arbitrary detention, subjected to torture or cruel, inhuman or degrading treatment or punishment or subjected to punishment contrary to accepted international standards and, in that regard, called upon States to take all the necessary measures to protect children from those practices.

Slavery during wartime

67. In its resolution 1993/24, the Sub-Commission decided to entrust Ms. Linda Chavez as special rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal armed conflict. The Commission on Human Rights, in its decision 1994/103 requested the Sub-Commission to reconsider its decision.

68. The Sub-Commission, in its decision 1994/109, decided to invite Ms. Chavez to submit, without financial implications, a working paper on the issue at its forty-seventh session. In accordance with that request, Ms. Chavez submitted a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime including internal armed conflict (E/CN.4/Sub.2/1995/38).

69. In its decision 1996/107, the Commission on Human Rights, at its fifty-second session, endorsed the decision of the Sub-Commission to appoint Ms. Chavez Special Rapporteur with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

70. In its resolution 1996/11, the Sub-Commission welcomed the preliminary report submitted by the Special Rapporteur (E/CN.4/Sub.2/1996/26) and requested her to submit her final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

71. In its decision 1997/114, the Sub-Commission took note of the letter from Ms. Chavez in which she informed the High Commissioner of her resignation as Special Rapporteur and her inability to submit the final report, and decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

72. In its resolution 1998/18, the Sub-Commission, welcoming with great interest the final report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, including internal armed conflict (E/CN.4/Sub.2/1998/13), requested that the Special Rapporteur's mandate be extended for another year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the

Sub-Commission at its fifty-first session under the agenda item entitled "Contemporary forms of slavery". In its decision 1999/105, the Commission approved the decision of the Sub-Commission to extend the mandate of the Special Rapporteur for a further year.

73. In its resolution 1999/16, the Sub-Commission requested the Special Rapporteur to submit to the Sub-Commission at its fifty-second session a report containing the updated information with a view to wide distribution. In accordance with that request, the Special Rapporteur submitted such an update (E/CN.4/Sub.2/2000/21).

74. In its resolution 2000/13, the Sub-Commission welcomed the update to her final report of the Special Rapporteur and called upon the High Commissioner for Human Rights to monitor the implementation of the resolution and to report to the Sub-Commission at its fifty-third session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status and implementation of the recommendations made by the Special Rapporteur (para. 3). In accordance with that request, the High Commissioner will submit her report to the Sub-Commission at its forthcoming session.

Optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

75. The General Assembly, in its resolution 48/156, requested the Commission on Human Rights to consider, at its fiftieth session, the creation of a working group to study, as a matter of priority, the elaboration of guidelines, in close contact with the Special Rapporteur, for a possible draft optional protocol on the issues related to the sale of children, child prostitution and child pornography, as well as the basic measures required for preventing and eradicating those serious problems.

76. In accordance with Commission resolutions 1994/90, 1995/78, 1996/85, 1997/78, 1998/76 and 1999/80, the working group held six sessions: (E/CN.4/1995/95; E/CN.4/1996/101; E/CN.4/1997/97; E/CN.4/1998/103; E/CN.4/1999/74; E/CN.4/2000/75).

77. The Commission, in its resolution 2000/59, adopted the text of the draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, as contained in annex B to the resolution, and transmitted it, through the Economic and Social Council, to the General Assembly for approval. In its resolution 54/263, the Assembly adopted the Optional Protocol which, at time of writing, was ratified by 3 States and signed by 72.

Sex tourism

78. In its resolutions 1998/19, 1999/17 and 2000/19, the Sub-Commission recommended that Governments investigate and use as evidence of crimes and acts of discrimination advertising, correspondence and other communications over the Internet to promote sex trafficking, the exploitation of prostitution, sex tourism, bride trafficking and rape.

Child soldiers

79. In its resolution 55/79, the General Assembly welcomed the report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/55/442) and in its resolution 2001/75, the Commission took note with appreciation of the report of the Special Representative to the Commission (E/CN.4/2001/76).

80. The Commission, in its resolution 1994/91, recommended that the Economic and Social Council authorize an open-ended working group of the Commission on Human Rights to meet for a period of two weeks prior to the fifty-first session of the Commission in order to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts. The working group used as a basis for discussion the preliminary draft optional protocol on the involvement of children in armed conflicts prepared by the Committee on the Rights of the Child (E/CN.4/1994/91).

81. The working group held six sessions (E/CN.4/1995/96, E/CN.4/1996/102, E/CN.4/1997/96, E/CN.4/1998/102, E/CN.4/1999/73, E/CN.4/2000/74).

82. In its resolution 2000/59, the Commission adopted the text of the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflict contained in annex A to the resolution. The Optional Protocol, which was adopted by the General Assembly in its resolution 54/263, at the time of writing had been ratified by 4 States and signed by 79.

Organization of work

83. In its resolution 1991/34, the Sub-Commission requested the Secretary-General to examine the possibility of organizing the sessions of the Working Group on Contemporary Forms of Slavery for eight working days during the month of April or May, in order to avoid overlapping with meetings of other working groups of the Sub-Commission and the burden that placed on the Secretariat, and in view of the impossibility of representatives of Governments and non-governmental organizations attending simultaneous sessions. This request was approved by the Commission on Human Rights in its decision 1992/115.

84. The Economic and Social Council, in its resolution 1993/48, approved the endorsement by the Commission on Human Rights in resolution 1993/27 of the recommendation made by the Sub-Commission, in its resolution 1992/2, that the arrangements regarding the organization of the session of the Working Group, as contained in Commission decision 1992/115, be repeated in subsequent years.

85. In its decision 2000/109, the Commission adopted the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) adopted by consensus by the Working Group on 11 February 2000. The Commission recommended to the Economic and Social Council for adoption draft decision 3, which reads as follows: "The Economic and Social Council, taking

note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to reduce the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery of the Sub-Commission to five working days from the present eight days."

86. By its decision 2000/284, the Economic and Social Council endorsed Commission decision 2000/109.

8. Activities of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

87. The Voluntary Trust Fund on Contemporary Forms of Slavery was established pursuant to General Assembly resolution 46/122 of 17 December 1991 for the purpose of assisting representatives of non-governmental organizations from different regions dealing with issues of contemporary forms of slavery to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. The Fund is administered in accordance with the financial regulations of the United Nations by the Secretary-General, with the advice of a Board of Trustees. The Fund can receive voluntary contributions from Governments, non-governmental organizations and other private or public entities.

88. The Board of Trustees held its sixth session from 22 to 26 January 2001. During the session, the Board reviewed narrative and financial reports on the use of grants paid in 1999 and 2000. Upon the recommendations made by the Board, on 30 January 2001, the High Commissioner for Human Rights approved, on behalf of the Secretary-General, expenditure of about US$ 26,000 for travel grants and about US$ 150,000 for project grants. Taking into consideration the requests received in 2001, and also that the Board recommended for expenditure almost all the money available at its sixth session, in order to be able to fulfil its mandate satisfactorily next year, in the Board's view the Fund would need new voluntary contributions totalling US$ 400,000 before the seventh session of the Board in 2002. The recommendations adopted and updated information on the Fund are available in document E/CN.4/2001/82/Add.1.

9. Adoption of the report of the Working Group to the Sub-Commission on the Promotion and Protection of Human Rights

89. Under rule 37 of the rules of procedure, the Working Group is to report to the Sub-Commission on the work of its session.